

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING ORDINANCE NO. 06-11-119 TO PROVIDE FOR A MUNICIPAL STORM WATER UTILITY SYSTEM FEE SCHEDULE; ESTABLISHING A MUNICIPAL STORM WATER UTILITY SYSTEM FEE, EXEMPTIONS AND CREDITS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (“City Council”) has previously investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas (“City”) to promote the public health, safety and welfare of the citizens to adopt a Municipal Storm Water Utility System; and

WHEREAS, the City Council has adopted a Municipal Storm Water Utility System under Ordinance No. _____, as amended; and

WHEREAS, pursuant to Chapter 402, Subchapter C, Texas Local Government Code, as amended, (“Act”), the City Council has investigated and determined that a schedule of drainage fees shall be applied against all real property in the proposed service area(s); and

WHEREAS, the City Council further finds that it would be in the best interest of its citizens to amend Ordinance No. 06-11-119 for the purpose of providing for a Municipal Storm Water Utility System Fee Schedule, establishing a Municipal Storm Water Utility System Fee, exemptions and credits as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Ordinance No. 06-11-119 (Establishing Various Fees) to Provide for a Municipal Storm Water Utility System Fee Schedule. Ordinance No. 06-11-119 (Establishing Various Fees) is hereby by amended to add the following:

“Municipal Storm Water Utility System Fee Schedule.

- (a) The following fees are hereby established and shall be collected through the City’s bill for public utilities pursuant to the Act and other applicable law.

(b) Impervious Area.

(1) Rates shall be charged based on a property's contribution to the public storm water utility system. The contribution shall be based on the impervious area for the property.

(2) The storm water utility fee shall be established according to the following schedule on a monthly basis. Parcel sizes are to be based on the City's parcel data:

Property Type	Parcel Size (sq ft)	Rate
Single-Family Residential		
Tier 1	<5,000	\$1.20
Tier 2	5,000 to <20,000	\$2.00
Tier 3	≥20,000	\$3.85
All Other Non-Exempt Property		\$0.057 per 100 sq ft of impervious area

(3) A minimum charge equivalent to the Tier 1 rate shall be applied to each non-exempt developed property, regardless of classification.

(4) A property shall be charged a storm water utility fee on a maximum of one utility account, regardless of the number of utility accounts established for the property.

(c) Exemptions. The following shall not be assessed a Municipal Storm Water Utility System Fee:

(1) Property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the City in which the property is located for maintenance.

(2) A subdivided lot, until a structure has been built on the lot and a Certificate of Occupancy has been issued by the City.

(3) Property with proper construction and maintenance of a wholly sufficient and privately owned drainage system.

(4) State property.

(5) Public or private institutions of higher education property.

(6) City property.

(7) Frisco Independent School District property.

(8) Property owned by a religious organization that is exempt from taxation pursuant to Section 11.20, Texas Tax Code, as amended.

(d) Fee Credits.

(1) A property owner may petition to the City to reduce the Storm Water Utility Fee for an individual property to account for on-site storm water management controls that reduce the property's impact to the storm water utility system.

(2) The petition shall be evaluated and the fee adjustment decision determined by the City Engineer or the City Engineer's designated representative. The City Engineer's evaluation and determination shall be based on nondiscriminatory, reasonable and equitable terms in accordance with the Act, the City's Municipal Storm Water Utility System Ordinance and this Ordinance.

(e) The rates established above apply to the accounts maintained by the City for public utility services.

(f) All billings, credits, exemptions and other procedures relating to this fee shall be subject to the provisions of the Act."

SECTION 3: Savings/Repealing Clause. Frisco Ordinance No. 06-11-119 shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, paragraph, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FRISCO, TEXAS** on this _____ day of _____, 2008.

Maher Maso, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

APPROVED AS TO FORM:

Ron Patterson, Interim City Secretary

Abernathy, Roeder, Boyd & Joplin, P.C.
Rebecca Brewer
City Attorney

Date(s) of Publication: _____, in *The Frisco Enterprise*